

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
Eighteenth Region

HOME DEPOT HOME SERVICES BATH
REMODELING GROUP, INC.

Employer

and

UNITED ASSOCIATION OF JOURNEYMEN AND
APPRENTICES OF THE PLUMBING AND
PIPEFITTING INDUSTRY OF THE UNITED
STATES AND CANADA, LOCAL NO. 15

Petitioner

Case 18-RC-17558

SUPPLEMENTAL DECISION ON OBJECTIONS

Pursuant to a petition filed on January 23, 2008,¹ and a Decision and Direction of Election that issued on March 7, an election by secret ballot was conducted on April 4 among certain employees of the Employer.² The results of the election are set forth in the Tally of Ballots which was served on the parties at the conclusion of the election.³

¹ Unless otherwise indicated, all dates are in 2008.

² The appropriate collective bargaining unit as set forth in the Decision and Direction of Election is defined as:

All full-time and regular part-time journeyman plumbers employed by the Employer at its 700 Prior Avenue, St. Paul, Minnesota facility; excluding bath installers, kitchen installers, measurers, and warehouse assistant, and guards and supervisors as defined in the Act, as amended.

³ The Tally of Ballots shows:

Approximate number of eligible voters.....	6
Number of void ballots	0
Number of votes cast for labor organization	5
Number of votes cast against participating labor organization	1
Number of valid votes counted	6
Number of challenged ballots	0
Number of valid votes counted plus challenged ballots	6

On April 11, the Employer filed a timely Objection to the Conduct of the Election, a copy of which was duly served upon the Petitioner.

The Objection

The Employer filed one objection, which states “The bargaining unit in which the election was held is not an appropriate unit for bargaining.”

Analysis

The Employer states that the evidence supporting its objection is the same evidence submitted by the Employer at the February 20 hearing. At that time, the Employer contended that the petitioned-for unit consisting of plumbers is inappropriate and that the petition should be dismissed, as the proposed unit does not include bath installers (who it asserts are also plumber apprentices), kitchen installers, measurers and warehouse assistants. In its brief following the hearing, the Employer stated that, at a minimum, the unit must include the 17 bath installers registered as plumber apprentices. In its response to the objection, the Petitioner maintains that the unit is appropriate and that the Employer is attempting to re-litigate an issue that has already been decided.

In the Decision and Direction of Election, I stated the following:

Based on the evidence and the record as a whole, I conclude that the plumbers constitute a distinct and homogeneous group of craft employees who may appropriately be represented in a separate unit that does not include the bath installers, kitchen installers, measurers and the warehouse assistant. Additionally, while apprentices are generally included in a craft unit, I conclude that the installers in this case are not, in fact, plumber apprentices.

On March 21, the Employer filed a timely Request for Review of the Decision and Direction of Election. In an Order dated April 3, the Board denied the Request for Review, stating that it raises no substantial issues warranting review.

The Employer has raised no new evidence in support of its objection that would cause me to change my earlier determination set forth in the Decision and Direction of Election. Accordingly, I conclude that the election was conducted in an appropriate unit, and I overrule the Objection.

CONCLUSION

Inasmuch as I have overruled the objection, I shall issue a Certification of Representative unless the Board grants a Request for Review.⁴

Dated at Minneapolis, Minnesota, this 25th day of April, 2008.

/s/ Robert W. Chester

Robert W. Chester, Regional Director
National Labor Relations Board
Eighteenth Region
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⁴ Under the provisions of Secs. 102.69 and 102.67 of the Board's Rules and Regulations, a request for review of this Supplemental Decision may be filed with the Board in Washington, D.C. The request for review must be received by the Board in Washington, D.C. by **May 9, 2008**. Under the provisions of Sec. 102.69(g) of the Board's Rules, documentary evidence, including affidavits, which a party has timely submitted to the Regional Director in support of its objections or challenges and that are not included in the Supplemental Decision, is not part of the record before the Board unless appended to the request for review or opposition thereto that the party files with the Board. Failure to append to the submission to the Board copies of evidence timely submitted to the Regional Director and not included in the Supplemental Decision shall preclude a party from relying on that evidence in any subsequent related unfair labor practice proceeding.

In the Regional Office's initial correspondence, the parties were advised that the National Labor Relations Board has expanded the list of permissible documents that may be electronically filed with the Board in Washington, DC. If a party wishes to file one of these documents electronically, please refer to the Attachment supplied with the Regional Office's initial correspondence for guidance in doing so. The guidance can also be found under "E-Gov" on the National Labor Relations Board web site: www.nlrb.gov